



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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AUG 27 2003

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Paper No. 8

In re application of

Gary P. Craun, et al.

Serial No. 09/839,049

Filed: April 23, 2001

For: ODOR FREE POLYLACTIC ACID MODIFIED AQUEOUS
EMULSION PAINTS FREE OF VOLATILE COALESCING
ORGANIC SOLVENT

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed April 16, 2003 for failure to pay required issue fee. Applicants assert that Notice of Allowance and Issue Fee Due form for the captioned patent application were never received.

DECISION

Since petitioner asserts that the Notice of Allowance and the Issue Fee Due form were not received, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request does not have merit. The evidence is insufficient to establish that applicants did not receive the Notice of Allowance and Issue Fee Due form. Applicant's docket records indicate that the Examiner's Amendment was in fact received, (dated October 31, 2002, which was the date on the last page of the office action), which is part of the Notice of Allowance and Issue Fee Due. An examiner's amendment would not have been sent, in any other occasion, besides a Notice of Allowance.

Therefore, since it appears from a search of present file and receipt of the examiners amendment, that no error has been made on the part of the USPTO, the Notice of Abandonment dated March 17, 2003 is maintained.

The Petition is **DENIED.**

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